



Tigard City Council Meeting Minutes

Date: November 15, 2005
Time: 5:03 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent: --

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates	<p>Buyer Barrett reviewed process with the City Council, including evaluation criteria and how the interviews will be conducted.</p> <p>Council and several Executive Staff members interviewed representatives of the following firms that submitted proposals to provide the City of Tigard with general legal services. Presentation materials were presented to the City Council and staff prior to the meeting.</p> <ul style="list-style-type: none">○ Ramis, Crew, Corrigan LLP <p>Presenters were: Tim Ramis, Chuck Corrigan and Gary Firestone.</p> <p>Mr. Ramis overviewed the philosophy for service to a municipality and types of services provided by his firm. He noted how the partners and staff in the firm keep each other informed about projects and case updates. He said he knows it is clear that the lawyers are not the policy makers; rather, their objective is to give legal advice and identify options and risk so a rational</p>	<p>Council and staff will complete evaluation forms. Further discussion will take place in Executive Session on November 22, 2005, (ORS 192.660 (2)(a))</p>

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Special Meeting General Legal Counsel Candidates Continued	<p>decision can be made.</p> <p>Mr. Ramis advised of efforts by the firm to promote cost containment, which include having City staff do first drafts of documents and then submit for a review by one of the attorneys. He noted that over the past ten years the trend has been to reduce the number of hours of legal services provided.</p> <p>Mr. Ramis said that he views legal services as a capital investment and referred to building a legal infrastructure with a systemic approach rather than dealing with issues on a case-by-case basis.</p> <p>Mr. Ramis responded to questions by the interview panel; highlights of his responses follow:</p> <ul style="list-style-type: none"> • Expectations for turn around are established at the initial contact. • The legal question is turned over to the lawyer who has the expertise for the issue under review. • Members of his firm meet weekly to determine assignment status, whether more follow up is needed, or if this is a deeper issue. • Efforts are made to have legal staff available or to have coverage to provide service. • Attorneys meet quarterly with the City Manager to determine if needs are being met. • Preventive initiatives exercised early to avoid litigation. • Address issues early: prepare good findings (land use), raise a caution flag for procedural practices if needed, assess and advise on risk, track changes 	

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Special Meeting General Legal Counsel Candidates Continued	<p>in the Code to respond to challenges, keep the Code up to date.</p> <ul style="list-style-type: none"> • Noted successes in litigation: Rogers Machinery, Martin case, and Media Arts. • If Ramis' firm is selected as the City's legal counsel, the firm will undertake a legal audit of the Tigard Code, at their expense, to determine what changes should be implemented. • Legal staff also would train City staff on issues of concern. • Discussed review of case law and new legislation to keep current. • Suggested codifying additional procedures; i.e., elections. • Annexation process in 2004 did not go well. Mr. Ramis said he what he learned from this was to be more proactive in communications with the other lawyer and, while this had been reviewed by many lawyers, they should have looked at the statute one more time. • Costs will continue to increase; cost containment efforts will include efficiency and charge a competitive rate. • Noted that his firm has seldom lost cases on procedural grounds; rather, they have often won cases because procedures were followed. • Referred to alternative forms of resolution of issues, including mediation. <p>○ Schulte, Anderson, Downes, Aronson & Bittner P.C.</p> <p>Presenters were Robert Schulhof and Lee Aronson</p> <ul style="list-style-type: none"> • Mr. Aronson reviewed his background; 	

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Special Meeting General Legal Counsel Candidates Continued	<p data-bbox="516 205 954 279">municipal experience related to insurance issues.</p> <ul data-bbox="467 289 1084 1875" style="list-style-type: none"> <li data-bbox="467 289 1084 762">• Mr. Schulhof's background included US Navy Judge Advocate General (JAG) Corps and public service as a Deputy District Attorney. He currently represents clients in product liability litigation, construction defect defense, and real estate matters. While serving in the JAG Corps, he performed many of the same functions as that of a city attorney while working as the Senior Attorney for Naval Station Pearl Harbor Hawaii. <li data-bbox="467 772 1084 877">• Mr. Schulhof would be the primary attorney for day-to-day account management. <li data-bbox="467 888 1084 993">• Reviewed the expertise of the lawyers on staff including real property, tort, and corporate/commercial litigation. <li data-bbox="467 1003 1084 1077">• Firm is small which means they can "shift people around quickly." <li data-bbox="467 1087 1084 1192">• Described their approach to providing service for long-term and short-term legal questions/review. <li data-bbox="467 1203 1084 1350">• Risk management would be accomplished by knowing what's going on in City government and developing a relationship with their client. <li data-bbox="467 1360 1084 1476">• The attorney is not the "no" man; his mission is to talk about what can be done at the outset. <li data-bbox="467 1486 1084 1591">• Stressed importance of basic relationships, communication, and being proactive. <li data-bbox="467 1602 1084 1675">• They would be comfortable working with outside counsel. <li data-bbox="467 1686 1084 1833">• They would work with the City to determine how the City wants to work with them; how to coordinate on an issue. <li data-bbox="467 1843 1084 1875">• Stressed flexibility; noting they can deal 	

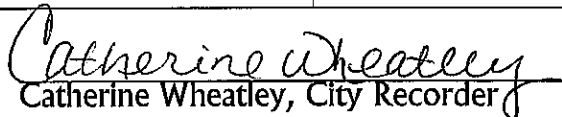
Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>with a variety of issues.</p> <ul style="list-style-type: none"> • They like what they do and value the client relationship; they like a challenge; responsibility would be shared within the firm. • They do not serve as attorneys for any other Oregon cities. • They have not worked for any local government or special districts except in a litigation context. • They would need to get up to speed on non-litigation issues "on our [their] dime." • If awarded the contact, they would need to work the next two months to "gear up" by meeting with staff. They would need to become familiar with land use issues. • They have been monitoring Measure 37 issues. • They do not foresee seeking outside counsel. The City would utilize other firms for labor matters and bond counsel. • Discussed how litigation can be avoided through negotiation. Most of their cases (90 percent) are resolved before litigation. Litigation is a poor way resolve problems. • Reviewed their experience relating to insurance and municipalities. <p>○ Harrang, Long, Gary, Rudnick, P.C.</p> <p>Present: Jillian Bruce. (Note: a second presenter from this firm planned to attend from their Eugene office, but canceled due to vehicle problems encountered on the way to this meeting.)</p> <ul style="list-style-type: none"> • Firm has been in existence for 50 years. • Firm has a strong public law presence 	

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Special Meeting General Legal Counsel Candidates Continued	<p>with 41 lawyers working on public matters.</p> <ul style="list-style-type: none"> • Offices are located in Portland, Eugene and Salem. • Clients include other municipalities as well as private clients. The firm will not take on a client that would represent a conflict. • There is also an employment and labor group in the firm. • Described how they would respond to things that happen quickly including "Council-day dilemmas." • They put the right person on a problem and they will be responsible, available, and have the needed expertise. • Will follow the City Council's tone regarding how they want to interact with the community. They are aware of political pressures. • They will keep the "big picture" in mind. • Reviewed public clients: Housing Authority, Bend, and Salem. • She would be immediately available to the City and referred to experience with development and urban renewal. • The challenges for her firm would include water law and bond counsel and she said she did not see her firm getting into these areas. • Described how her firm conducted their business through a team approach and physical presence. • To familiarize themselves with the City of Tigard, the firm would develop relationships with staff. They would review the City's budget and Council goals. They would meet with department heads to determine what the issues are. • They are used to working with outside 	


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Special Meeting General Legal Counsel Candidates Continued	<p>Counsel.</p> <ul style="list-style-type: none"> • They would work in an efficient, flexible manner. • They would update project lists weekly. • Reviewed procedures to help the City manage legal costs: develop templates for contracts, make suggestions to staff, and make sure they know what is being asked: Is it a request for a full legal analysis or a simple review? They have staff within their firm to do research at a lower rate. • She reviewed her service as co-counsel for the City of Hillsboro. 	
Adjournment	6:55 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
CCDA Meeting Status of the Urban Renewal Plan	Following the Legal Counsel interviews, the City Center Development Agency meeting was called to order at 7:07 p.m. (Separate minutes for the CCDA meeting were prepared.)	

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Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:20 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. Update on Potential Financial-Related Ballot Measures – Other Jurisdictions	This item was not discussed.	Continued to December 13, 2005 (City Recorder's note: After a staff review of tentative Council meeting agendas, this item is now scheduled for the Study Session on December 20, 2005.)
3. Update – Insurance Coverage and Marketing	Risk Manager Mills and Agent of Record Cutter reviewed current insurance coverage and ongoing market negotiations. The City currently participates in the City/County Insurance Services program.	
4. Discussion – Police Accreditation	Police Chief Dickinson presented information on accreditation. The Police Department enjoys the status of being professionally accredited; however, some cities are now questioning the benefit when considering the costs of maintaining accreditation. Accreditation must be reviewed and renewed on a three-year basis. The Police Department is in favor of accreditation, but understands fiscal realities for costs/benefits.	After discussion City Council consensus was for the Police Chief to poll the police staff to determine if they support accreditation. The City Council would also like to hear from the staff why they would support accreditation.

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4. Discussion – Police Accreditation Continued	Police Chief reviewed state and national accreditation programs. He also presented information on a service provided by Lexipol.	
5. Discussion – Branding/ Logo Design	Assistant to the City Manager Newton and Consultant Marcusen reviewed refined logo option designs based on previous City Council feedback. Council members further narrowed their design preferences. Consultant Marcusen will return with visual examples showing how the final designs appear when applied to signs, stationery, city vehicles, etc.	Determine if time is available on the City Council Agenda for December 13, 2005, to continue the discussion on the logo design.
6. Executive Session	The Tigard City Council went into Executive Session at 8:57 p.m. to discuss real property transactions and to discuss current or potential litigation. Executive Session concluded at 10:00 p.m. and Mayor Dirksen reconvened the City Council in open session.	Direction was given to staff regarding real property negotiations.
Council consideration of new staffing position.	Council considered the request to create a mid-year position in the Police Department for a new program assistant.	The request was declined by a Council consensus.
Adjournment	10:03 p.m.	


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: 12.13.05
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